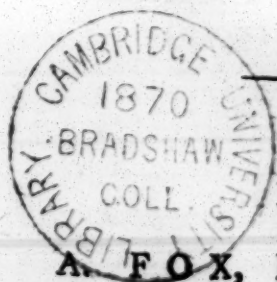


A
D E F E N C E
OF THE
C O N D U C T
OF THE
COURT OF PORTUGAL;
WITH
A FULL REFUTATION
OF THE
SEVERAL CHARGES ALLEGED AGAINST
THAT KINGDOM,
WITH RESPECT TO
I R E L A N D.

Originally written in the PORTUGUESE, by a Gentleman
of Distinction, and faithfully translated from that
Language.



D U B L I N :
A. FOX, No. 25, HIGH-STREET.

M.DCC.LXXXIII.

D E F E N C E

C O N D U C T

C O U R T O F P O R T U G A L

W I T N E S S

07-2764

THE COURT OF PORTUGAL

D E F E N C E

W I T N E S S

C O U R T O F P O R T U G A L

TO THE
P R O V I N C I A L
D E L E G A T E S
OF THE
K I N G D O M O F I R E L A N D.

G E N T L E M E N,

WH E N facts of the
highest importance to the
national welfare, have been
either grossly misrepresented,
or insidiously withheld
from public knowledge, it
then

then becomes a duty absolutely incumbent on each member of the community, to afford every information on a subject, the elucidation of which will, not only be the means of removing a popular error, but also prove of essential advantage to the general interest.

THE Author of the following sheets (which were originally written in the Portuguese language), impressed with a laudable zeal for the honor and dignity of his native country, and fired with an honest indignation at the charges

charges of ingratitude, and the violation of the faith of treaties, with which the court of Lisbon had been so unjustly accused, has, in the most impartial and candid manner, placed that transaction in such a point of view, as will clearly shew, in the simple colouring of truth, the generous intentions and strict regard to justice, which actuated its conduct in the whole of this interesting procedure.

THE patriotic ardor, which prompted your truly respectable assemblies to
those

those firm and animated resolves, that conduced to a restoration of your Country's rights, and has raised you so high in the esteem and admiration of Europe, marks you out, Gentlemen, as the most proper Personages to whom this production should be addressed; as those inspired with the sacred love of freedom, and alive to the most delicate sense of whatever might wound the honor of their dearest country, *must*, from a liberality of sentiment, feel likewise for *that* of a kingdom,

kingdom, long in a state of
the most sincere and friend-
ly alliance.

I have the honor to be,
with the profoundest re-
spect,

GENTLEMEN,

Your most obedient servant

And fellow-foldier,

THE TRANSLATOR.

Kingdom long in a state of
the most perfect and
ly alliance.

I have the honor to be
with the greatest respect
your most obedient servant

And fellow-soldier
THE TRANSLATOR

A
D E F E N C E

OF THE

C O N D U C T

OF THE

COURT OF PORTUGAL.

THE glorious struggles of the Irish nation to effect not only their political salvation, but also a perfect liberation from *those* commercial restraints that had been most unjustly imposed upon her by the sister country, must have excited the esteem and admiration of every people, where a love of justice, and a strict regard to the natural rights of mankind are the leading characteristics, and, among whom none have entertained a higher veneration, than the subjects of her most faithful
B majesty.

majesty. Impressed with the same patriotic sentiments, and inspired with the same noble ardor, they on a former period threw off the fetters of foreign usurpation, which they had long endured with silent indignation, and revived once more the antient spirit of their drooping country.

To exculpate the court of Lisbon from what has been most unjustly, nay, ungenerously laid to her charge, with respect to the kingdom of Ireland; to awaken that people to a true sense of the mutual advantages that may flow from a reciprocal commerce, and to point out in some measure the base machinations (instigated no doubt, by rival jealousy, and antient prejudice) which have been made use of, to obviate entirely so desirable a purpose, is a duty not only incumbent on the writer, as a native of the kingdom of Portugal, but also a debt, which he thinks himself in strict honour bound to discharge, to a country long united by the closest bonds of amity, and so highly respected by the Portuguese nation.

PORTUGAL

PORTUGAL has ever adhered religiously to the faith of treaties, and particularly in her conduct towards Ireland, she has not acted in any manner derogatory of that strict justice, and inviolable regard to those rights which should mutually subsist between an allied people, but has ever demonstrated a peculiar indulgence and mark of favour, in consequence of that high consideration which had been conceived of a people, whose virtuous efforts in the cause of liberty and their country, will render their name famous to posterity.

SHE has observed with extreme concern the reproach of injustice, which has so greatly wounded the honour of her national character ; and also the calumny and virulent abuse which have been so illiberally poured out against her, in consequence of the popular prejudices that were excited by the insidious machinations, and base misrepresentations of interested persons, whose principal design was (by fomenting unreasonable jealousies in the minds of the people, which must be productive of mutual re-

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criminations,

criminations, and acts of animosity) totally to deprive that kingdom of any participation in a commerce, which would prove the most lucrative branch of its foreign exports.

BUT, in order to have this matter properly understood, it is absolutely necessary to recur to that treaty, from which the people of Ireland have asserted an indisputable right to the exportation of their woollen fabrics into the kingdom of Portugal; and to consider the validity of such a claim, founded upon the nature of that treaty.

No commercial treaties that have been entered into between nations can be supposed to take away from their respective sovereigns, &c. that indispensibly necessary, and inherent power of making such economical laws, and internal regulations, as sound policy may naturally suggest; in consequence of this principle, the court of Lisbon had absolutely prohibited by a general and public law, the introduction of foreign woollen manufactures into any part of her dominions,

in order to stimulate a spirit of industry among the people, and to enjoy those other advantages which must necessarily result from so very judicious a measure. This prohibitory law equally affected every nation of Europe, as well as Great-Britain, and the validity of which was not even doubted or construed into the least offence, of any treaties previously existing between the two nations, which could be supposed in no manner, to set any limits to either in their respective dominions.

It was in consequence of this prohibitory law, that queen Anne demanded, as an especial favour from Peter the second, king of Portugal, the revocation of that law, so far as it respected Great-Britain *only*; and offered in compensation, a comparatively reduced duty in the article of wines, to what was imposed on those of France, imported into that kingdom. The commercial treaty of 1703, (commonly called the Methuen treaty) was then concluded, which, as it precluded every other nation from a participation of the woollen trade, and
must

must continue to operate in like manner (until the court of Lisbon may think proper to admit any other kingdom or kingdoms into similar privileges, by entering into conventions with the same) has proved most highly advantageous to Great-Britain; but on the contrary, of the greatest injury to Portugal, by abating that ardor for internal manufactures, which for a time had pervaded every part of that country.

THE Irish nation has founded an equal claim upon the spirit of that treaty, to a full participation in the woollen trade of the kingdom of Portugal; and alleges an equipollent right, as forming a branch of the British Empire, and from thence considers herself entitled to that traffic upon the same principles of general liberty, as Great-Britain: and secondly, that the treaties have been always inseparable in their nature, and of course, that the British monarch had included therein, all parts of his dominions, and that the contrary would be equally unjust and absurd to suppose.

It must be certainly acknowledged, that in the treaties antecedent to that of the 27th of December, 1703, and prior to the prohibitory law, Ireland had been expressly mentioned in them, and of course, mutually participated in all the benefits resulting from the stipulations in favour of a commercial intercourse; but in that convention, Great-Britain alone was mentioned, and consequently every other part of his Britannic majesty's dominions were excluded from the woollen trade, by the prohibitory law, that has and must still continue to operate, until a new convention be ratified for that purpose; for to suppose the whole should be comprehended when only a limited part is expressed; or, to suppose (contrary to the wording of treaties, which are always full, and absolutely expressive of every relative circumstance) that there would be an implication of what was neither mentioned or alluded to, would be a position entirely erroneous in itself.

It is not the business of the court of Lisbon to enter into metaphysical distinctions,

tinctions, respecting the indivisibility of the British crown ; it must certainly acknowledge it as united under the lawful authority of a common sovereign ; that court only contends for a matter which is in itself evident to the plainest capacity, and can be demonstrated by such cogent proofs, as will not leave even the shadow of a doubt respecting the invalidity and absolute inefficiency of that treaty, for the accomplishment of so desirable a purpose ; and that all the arbitrary consequences deduced from these principles are illusive, and have not the least application to the immediate matter in question.

BEFORE the treaty of December, 1703, was entered into, the British legislation obviously prevailed in the kingdom of Ireland, in regard to its external economy, and its decrees were paid the most implicit obedience to.--By that authority the export trade of that kingdom was for the most part absolutely prohibited, and the parliament of England forbid, by an acknowledged law, the exportation of woollen manufactures from Ireland, before

fore the convention of December 1703.—as the sovereign of the British empire must have given his sanction to that law, how then could queen Anne have legally demanded from the court of Lisbon, the grant of a privilege of commerce in favour of the Irish woollen fabrics, whilst the existing laws absolutely prohibited their exportation to foreign parts? Undoubtedly she could not.—It is by no means the province of strangers to enquire by what right, or to enter into a discussion of a subject which has been so long problematical among themselves; it is sufficient to the point, that the Irish absolutely submitted to it.

It must therefore be highly absurd to suppose that Ireland should have been mentioned, or even in the remotest manner implied in a treaty, when the laws then existing (and which had been generally admitted by the Irish themselves) were diametrically opposite to such a matter; and when the letter, tenor, and spirit of that whole treaty were in direct contradiction to it. I have already admitted, that when the export trade of

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that country was unlimited, Ireland had been expressly implied in all the commercial treaties that had been formerly ratified between the Portuguese and English nations, and which continued in force, and operated in favour of that country, till the internal regulations of the court of Lisbon took place, by which all foreign woollen goods were totally prohibited from being received in any part of the dominions of Portugal; but, as has been already asserted, was repealed in favour of England *only* by the Methuen convention.

It is an acknowledged principle in the English government, that when a law is to carry its effects even into Scotland, that part of Great-Britain must be expressly set forth; and must it not have been the same *formerly* with respect to Ireland? Is it not a much stronger reason that no treaty could possibly have been in force, or be considered in the smallest degree as having any relation to a distinct kingdom, whose name, or even remotest interests were not so much as alluded to in the whole of that public transaction?—It appears by the records of the negotiation,

on, that Mr. Methuen had informed the Portuguese minister that Ireland was not to be included in the same, the idea of which (if even England had the least *intention* of including the sister country) was then totally given up, and the convention solemnly ratified in favour of that kingdom only.

LET us suppose for a moment, that the court of Lisbon by revoking the prohibitory law, so far as it regarded Ireland, would have agreed to admit the woollen fabrics of that country into their different ports; could Ireland under her former restrictions have been able to export from their country, what were totally prohibited by the act of the British legislature; or, that Portugal *had* insisted that the duties on their wines should be rated one third less than those of France; would the parliament of Ireland have acquiesced in the demand, or rather would that of Britain have permitted it? Portugal might have been told that Ireland had not been comprehended in the treaty of the 27th of December, 1703, and therefore was at option to rate the duties on wines, so far as they had a

comparative relation to those of any other country, in a manner the most suitable to the wisdom of their legislature.

IRELAND had been equalized in every thing by Portugal in common with the English, to the very time of the prohibition of woollen manufactures into that kingdom; but by this prohibitory law they were excluded equally with every other country: it is in vain therefore to recur back to the time of Dionysius, king of Portugal, to prove that Ireland had formerly enjoyed such a privilege, as every treaty preceding the act of internal regulations of the court of Lisbon had been absolutely and entirely done away, (so far as they had a respect to woollen manufactures) by virtue of aforesaid act.

THE British colonies, which formerly constituted a distinct part of that empire, and consequently had an implied right to every advantage that Ireland might naturally expect, never claimed the smallest title to a participation of that treaty, on account of her intimate connection and relative dependence on the mother country ;

try; for, as they had not been comprehended in the convention, they neither did nor could demand an exemption from that prohibitory law which operated with equal force against them, as well as every other country (England excepted.) Must not the Irish have fallen under a similar predicament with their American brethren, or could they claim any particular right, any peculiar indulgence from their relative connection to the seat of empire, which *was* not in common to every other subject of his Britannic majesty?

If Ireland, even upon her late liberation from the shackles of commercial restraint, had an equipollent right to an unlimited participation of the British trade, in the various parts of the globe (I shall except chartered companies), what necessity could there have been for the present sovereign of that empire, to procure a law to be passed, out of his most gracious condescension, for permitting the Irish nation to trade with the British plantations in the West-Indies? Does
not

not this evidently demonstrate the contrary of what has been so often asserted?

DURING the long space of near 80 years, the least mention had not been made of the kingdom of Ireland, as being implied in that treaty; nor did she on that account (though a branch of the British empire) think herself in any manner bound to regulate the duties on Portugal wines agreeable to the Methuen convention; and it is also an uncontrovertible fact, that the court of Lisbon never claimed it either as a matter of right or favour.

It has been alleged that a monarch has no right whatever to make an express treaty for one part of his subjects, and not for the remainder; but may it not be favourable to the local constitution of any particular part, and not for the whole? without doubt, he has a liberty of making such a contract, not only for the two kingdoms separately, but as he may judge it convenient, even for a single province. Such a power is vested in a sovereign, either by himself, or assisted by the other

other branches of legislature, according to the nature of the laws of each country, in order to dispense such useful favours, immunities, and other privileges, as may be more peculiarly applicable, or particularly contribute to promote the general welfare of his dominions.

THE Irish woollen manufactures that had been exported to Lisbon, under a vague but sincere confidence of a general liberty of commerce, but which were detained by that court, was at first considered as an act of the highest injustice, and a manifest violation of the faith of national treaties ; but the principles already laid down being acknowledged as just, her *most faithful Majesty* can be considered only in the light of supporting the dignity of her crown, and as giving efficacy to the laws ; and at the same time, with a beneficence that marks the natural goodness of her heart, making ample restitution to the owners of such goods as were most liable to be damaged by their long detention, and which her Majesty had previously given orders to have them distributed amongst the poor. Was there
not

not a manifest partiality evinced in favour of the people of Ireland in that instance; and has not the consequent transactions evidenced the sincerest intentions of entering into an amicable convention with that country, pregnant with a perfect equalization of advantages to each?

It is very much to be doubted whether the justice of the court of Lisbon had ever been set forth in its proper light to the parliament, or the Irish nation. Every method has been most illiberally taken to misrepresent the conduct of that court, and to throw the entire censure, most unmeritedly, upon them, in order to exculpate some particular persons who, *Remora like*, retarded the whole progress of that transaction, to gratify the commercial jealousy of the sister country. Until that unfurmountable obstacle, by which the Irish woollen fabrics were prohibited from being received, should be totally removed by a new convention, it was absolutely impossible that desirable business could by any means be effected, as every other
nation

nation with the same claim of propriety, might pour in their woollen goods into Portugal, in direct opposition to a law of that land, which still remains unrepealed. The court of Lisbon earnest to testify its esteem and attachment towards Ireland, proposed that a negociation might be entered into for that purpose; but to the surprize of their court, the then British minister absolutely and peremptorily refused to enter into an affair so indispensibly requisite to the good of that country.

IN what then has the court of Lisbon been in the smallest degree culpable? Is it for her readiness to grant Ireland the participation of a trade, which must greatly injure the internal welfare of their own country, by opening a fresh channel for the inlet of a manufacture, the introduction of which, from England alone, has damped the ardor of industry, and the consequent improvement of such branches among themselves? Have they not every material for carrying on those fabrics at home, with the superior advantage of a finer staple in their wool?

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Did



Did not her *most faithful Majesty*, with that native goodness and clemency which have ever characterized her, make ample reparation to those who had exported their goods from Ireland; and, has she not even endeavoured to anticipate the wishes of that kingdom, by proposing to the British ministry a negotiation for a new treaty?

IN order to defeat the intention of appointing a committee of enquiry in the Irish House of Commons, as proposed by a right honourable member, was it not absolutely asserted in that honourable assembly by Mr. Eden, then secretary to Lord Carlisle, that a negotiation was on foot with the British minister, and there were every hopes of a satisfactory determination of that matter? A committee of enquiry, which must have had it in their power thoroughly to investigate that affair, was of course thought premature, and the artifice had its desired effect. There must have been some *unaccountable mistake* in that gentleman's information, as there never existed a
written

written negotiation previous to that period, relative to the business alluded to.

THE procrastinations which the people of Ireland were led to believe proceeded from the side of Portugal, occasioned a *particular* party in the House of Commons, to cast the most severe reflections on the Court of Lisbon; even her most faithful Majesty was spoken of with disrespect, and the most effectual measures were intended for a commercial retaliation of an imaginary cause of complaint. The idea that was thrown out in that house of an Irish fleet being sent to the Tagus, shall be passed over, as it was considered but a ludicrous sarcasm. It was the interest, however, of those in office to keep up the deception as long as possible, the motives for which are unnecessary to be explained to the understanding of a people so well informed as the Irish.

THE flame of discontent at that time pervaded the nation, and a non-consumption of Portugal wines was a measure in general contemplation. Could it ever have been imagined that Lord
Hillsborough

Hillsborough (though British minister) would neglect the essential interests of his native country, and even mislead her with a false supposition that a treaty was then in negotiation; and to suffer the parliament of that kingdom to be so grossly imposed on?

I SHALL beg leave to make a few quotations from what fell from some of the members in the course of debate, as they seem to contain the sense of the nation upon that subject; and shall endeavour, in answer, to offer such remarks, as may be said to comprehend the opinion of the Portuguese upon the same head:—"That the rights of that kingdom" (which one gentleman endeavoured to prove were as antient as the reigns of king Dionysius, and Edward the second) "were most shamefully violated by Portugal, and at a time, when the Irish nation expected that gratitude should have induced the court of Portugal to observe a conduct entirely opposite to it, for the partiality shewn them by Great-Britain, in removing those embarrassments which the act of navigation

tion had thrown in their way ; and that they had also given free entrance to the produce of the Portuguese plantations in the kingdoms of Great-Britain and Ireland. That as this nation was fed entirely by Irish provisions, they must perish if the same were withheld from them six months ; and that they would not know what to do with their wines if they were made the subject of retaliation by the Irish parliament. That the reason of the court of Lisbon rejecting the Irish woollen manufactures, was chiefly owing to the cabals of the French cabinet, who had employed emissaries to calumniate the English, and cause a misunderstanding between the two nations, &c. &c."

WITH respect to the former part of the charge ; every material objection that could possibly occur on that head, has been fully answered by the most irrefragable proofs ; suffice it, to enumerate at present, That Ireland had not been mentioned, or even so much as implied in the most distant manner in the Methuen convention, or any claim been made for near 80 years

years of such a right; and that so far from the Irish nation or parliament having conceived an idea of such a matter, the regulation of the duty on wines, in conformity to the express letter and spirit of that treaty, had not even been attempted during so long a period: therefore, the charge of a shameful violation of treaties, is both unjust and ridiculous. As to the very great *obligation* the Portuguese have been under by the removal of those embarrassments which the act of navigation had thrown in their way; this piece of *indulgent condescension* took its rise from *necessity*, not choice; and the free admittance of the produce of the Portuguese plantations into either kingdom, our nation fully admits; but denies that it could ever be conferred as a favour, but must be certainly intended as an insult; which two last circumstances I shall particularly explain in the course of this work.

THE idea of starving the Portuguese into such concessions as might have been thought proper on that occasion, is ridiculous to the highest degree, and must have

have proceeded entirely from a want of proper information with regard to the internal customs of their country ; for, the inhabitants eat no salted meat whatever, and oil would be easily substituted in the lieu of butter, even supposing that they could not be supplied with that article from Holland.

NEITHER would those *terrific threats*, of raising the duties on her wines, and lowering them on those of France, in the least affect the Portuguese, as Russia and America open a most unbounded field for commerce : countries that would court her trade, and from whence she might bring the most profitable and useful ladings in return ; and where no navigation act, or alien duties, would militate against the mutual interests of allied states.

THE private intrigues and cabals of the cabinet of Versailles, must also be adduced, to prevent the Irish from the participation of a treaty ; and the pen of that elegant and nervous writer, the Abbè Raynal, was to lend its aid, in order

der to point out to the Portuguese their true interests: all avenues to her most faithful Majesty's favour and presence, were said to be intercepted by interested priests, who took every opportunity of prejudicing her against Great Britain and Ireland. These are worn-out tales, which might have been once believed; but to the honour of an enlightened age, none but fanatics and credulous fools will believe them.

THE Portuguese never stood in any need of foreigners to explain the laws of the land, nor to point out to them their commercial *grievances*. They have, it must be allowed, but too long experienced the severe effects that resulted from the alien duties, and other impositions which are in express contradiction to the spirit of treaties subsisting between the two crowns. They want not a Raynal to strike *them* home to their imaginations, and inspire them with a proper sense of their effects; or, the insinuations of another court to urge them to such a mode of conduct as may prove much more advantageous in future.

BUT

BUT supposing, for a moment, that the parliament of Ireland had put their menaces into execution by endeavouring to preclude the produce of Portugal from being admitted into their kingdom ; might not the spirit of retaliation have induced the Portuguese to lay *their* trade under similar restrictions, which in all probability would be more severely felt in that kingdom. Thus recrimination, and mutual ill offices, would lay the foundation of a deep-rooted animosity, which must totally set aside any hopes of a reconciliatory and commercial connection between them. So far had this mistake pervaded the Irish Nation on a supposition of ministerial interference (tho' ineffectual in its favour) that in the humble address of the House of Commons to the throne of the 6th February 1782, it is worded in one part thus : “ Never-
“ theless being satisfied that the zealous
“ and repeated requisitions of your Ma-
“ jesty’s ministers, strenuously urged, and
“ in a cause so evidently reasonable and
“ just, would be attended with success,
“ we have hitherto refrained from re-
“ senting the injury, by commercial re-
“ gulations

“gulations restrictive of the trade of
 “Portugal, and by such other effectual
 “means as the honour and indispensable
 “rights of this kingdom may demand.”
 And it was indeed with the deepest regret
 that Portugal beheld some of the dele-
 gates of the armed associations, misled by
 a false representation of the state of facts,
 entering into resolutions upon the same
 business.

Thus by the artful suggestions of in-
 terested and designing characters, that
 nation was on the very brink of effect-
 ing, what must have put a final period
 to all hopes of laying a firm and lasting
 basis of commercial intercourse between
 Portugal and Ireland. That trade has
 proved so highly beneficial to their neigh-
 bouring kingdom, it can hardly be sup-
 posed (from the principles that too ge-
 nerally actuate human nature) they
 would wish, even to a sister state, a par-
 ticipation in the sweets of so lucrative a
 branch of commerce, which may be mo-
 derately calculated on an average to have
 brought them in upwards of a million an-
 nually since the conclusion of the treaty.

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It may naturally be demanded, what insuperable difficulties have arisen, since the overtures had been lately made and accepted on both sides, to prevent the conclusion of a commercial treaty: might it not have been simply copied after that of the Methuen, and receive, without any unnecessary procrastinations, the ratification of the respective courts?

THE subjects of Portugal residing in Great Britain and Ireland, have ever been treated as entire strangers, not as the subjects of a crown in strict and firm friendship and alliance with each other—they have laboured under every partial restraint, and were subjected to various impositions with every rigour of exaction, notwithstanding the defensive treaty of the 12th July 1703, which expressly implies, that the privileges of the subjects of Portugal should be absolutely the same with those enjoyed by the subjects of Great Britain, according to the spirit of former treaties; while those of his Britannic Majesty are, agreeable to the same, treated with the most peculiar indulgence, and considered as justly entitled

titled to all the immunities and privileges of the natives of the country. The 15th article of that treaty declares “ * Privilegiis personarum & commerciorum libertate quibus in præfenti Britannii, Belgæque fœderati in Lusitaniâ fruuntur, invicem etiam Lusitani fruuntur in regnis coronæ Britannicæ Belgioque fœderato.”—Was not this treaty posterior to the navigation act, and does not this article fully entitle them to equivalent rights with those which the subjects of his Britannic Majesty did then, and have ever since enjoyed? Shall the produce of Portugal, carried in bottoms of that nation, be liable to impositions which may be considered to amount to a total prohibition; whilst the produce of Great Britain, conveyed to the Portuguese dominions in British vessels, is not rated higher in the entries than that brought

* That the personal privileges and freedom of trade which the subjects of Great Britain and the States of the United Provinces at present enjoy in Portugal, the Portuguese shall in their turn enjoy in the dominions of Great Britain and the States of the United Provinces.

in those of their own country? Is not every antecedent law considered as annulled by a succeeding one, when the latter is diametrically opposite both in its letter and spirit? It cannot be asserted that this was concluded without the concurrence of the parliament of Great Britain; since all treaties must be investigated by both houses before they can receive the sanction of royal authority, and operate as laws; therefore the navigation act had been so far repealed by the spirit of that treaty, as it related in any wise to the Portuguese Nation.

It must be further observed, that no foreign princes are bound to know the interior regulations of any other but their own kingdom. They understand each other's prerogative of entering into treaties, but when once ratified, these they consider as the only laws by which they are to abide, notwithstanding any others that might have previously existed.

It may be demanded, why the court of Lisbon has so long tamely submitted
to

to such a shameful infraction of the faith of treaties, and a violation of the rights of her subjects? Let us but for a moment recur back to the maritime annals of this century, and the circumstance will appear not in any manner extraordinary, but conformable to the nature of human transactions. The British navy had long rode triumphant over the deep, and in a great measure prescribed laws to the maritime states of Europe; and from the arbitrary constructions of the paramount power, commercial treaties were alone explained—an unsuccessful war first suggested the idea of an *armed neutrality*, and the irresistible argument of the British thunder, having lost its infallibility, no longer continued to preponderate—Portugal was likewise considered as having formerly lain under the weight of some obligations, with a few other circumstances that might possibly be adduced—But has not Britain received ample compensation by a balance of trade in her favour of near one hundred millions, and the predilection that was ever shewn for her manufactures in preference of those of any other country? and moreover,

over, from the particular and steady attachments of the court of Portugal, has not that kingdom been forced into expensive wars, which might otherwise have been entirely avoided?

EVEN in a matter of comparatively smaller consideration, the subjects of Portugal do not enjoy an equal share of privileges. Those of that kingdom residing in Great Britain and Ireland, are obliged to pay parochial taxes, assessments, and even to serve offices, attend juries, &c. while the subjects of his Britannic Majesty are totally exempted from the same in the Portuguese dominions. This circumstance, however trifling in itself, strongly indicates the peculiar attention of the court of Lisbon, to whatever may conduce to the ease and happiness of the British residents; while on the other hand, it marks the remissness, or rather total unconcern of that nation to the interests of the Portuguese.

BUT is it not more than probable, that some Portuguese merchant, founding his claim of a mutual equalization on the
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the spirit of the July convention, should object to the alien imposition, and bringing the matter before a court of judicature, there rest his cause on the validity of the treaty—should the determination of that court prove directly contrary to what is expressed in the same, must it not evidently demonstrate to all the courts of Europe the inefficacy of any treaty solemnly entered into with Great Britain, and bring into disrepute the public faith of that nation? Treaties should ever be considered as solemn things, and as such they have been held most invariably by Portugal? And does it not imprint an indelible stain upon the character of any nation which seeks for every advantage that can possibly be obtained from others, and at the same time collusively endeavours, by every art, to evade complying with those which ought to be granted in mutual return? The article xv. of the July treaty, had immediate reference to all those entered into between Portugal and England, in which the privileges of British subjects residing in the former kingdom, had been particularly ascertained. It is
therefore

therefore an indisputable fact, that they were the foundation of *those* that were afterwards granted, by virtue of afore-said article, to the subjects of Portugal residing in England, and her dominions; therefore the compact must either equally affect both parties, by requiring a mutual interchange of rights and privileges, or otherwise the spirit of the obligation not being kept up to, on one side, it can no longer be considered as binding on the other.

WHEN a convention solemnly entered into, has been so glaringly perverted, upon a false supposition that a prior law must destroy the force of a subsequent one; and when an ideal duty, of a most exorbitant nature, had been laid on wines imported from France into that country, at a time that a commercial communication was totally put a stop to by reason of a war, that from such *ideal value* they might raise the duties on those of Portugal, agreeable to the stipulated proportion which they should bear to each other; and also arrogating to themselves an extraordinary merit on account of a small deduction in their favour.—

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These,

These, with many other causes of complaint, render it indispensibly necessary for the interest of Portugal, that a new treaty should be formed between the Court of Lisbon and his Britannic Majesty's Minister (on the behalf of Ireland) upon the most liberal basis, by which a just equalization might take place, to the reciprocal advantage of the inhabitants of both kingdoms.

THE extraordinary rise of duties on the Portugal wines in Great Britain, has in a variety of instances exceedingly affected that trade, and considerably lessened the Importations—The merchants and venders are thereby induced to adulterate the wines with base mixtures, which prove highly pernicious to the human constitution, and have tended to bring them considerably into disrepute. It has been frequently discovered, by analytical experiments, that not above a third of what had been purchased for private consumption, proved to be the pure, genuine juice of the grape. The duties have been nearly trebled within these fifty years, which did not answer
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any particular end, to the immediate service of their state, as a more reasonable duty would not only prevent the adulteration, and its evil consequences, but even bring in an encreased revenue, to supply the exigences of their government, from the extraordinary quantity that would necessarily be imported. This very great demand for the produce of Portugal, must naturally beget a similar one for the manufactures of Great Britain, and a mutual benefit must result from such a procedure. The court of Lisbon has not, even in this instance, made use of the *Lex Talionis*, which might be done with the strictest justice, as the duties on British goods imported into their dominions, have not been laid on, agreeable to the scale of comparative proportion.

INDEPENDENT of the alien duties, of which the Portuguese so justly complain, and from the spirit of the July convention so legally objected to; there are many other impositions that are both arbitrary and unjust. The port charges, with regard to anchorage, lights, &c. are exactly double what is paid by ships

of their own nation. This is a hardship that further operates in conjunction with the ill-effects of the navigation act, against the trade of Portugal, carried on in vessels of their own nation, and is a grievance that likewise calls for redress.

THE commercial treaty of December 1703, from whence so many essential advantages have resulted to Great Britain, was founded upon the faith of the 15th article of the defensive treaty of July preceding. The mutual and reciprocal enjoyment of equal immunities and privileges, naturally prompted the court of Lisbon to enter with the utmost cheerfulness into the latter convention; but long experience has sufficiently proved how vain their reliance upon that head, tho' ratified in the most solemn and unequivocal manner.

THE charge of ingratitude with which the Portuguese had been so illiberally stigmatized, on account of the particular favour, that was asserted in the Irish Parliament, to have been bestowed on them, during the course of the last war, by suspending a part of the navigation
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act, so far as it had a relation to this people, shall next be examined. Great Britain, out of her most *gracious condescension*, permitted their trade in a great measure to be carried on in Portuguese vessels, to and from the different countries of Europe, at a time when their own ships were in continual danger of being captured by their numerous enemies. These advantages (*if, indeed, any resulted*) were merely temporary, as they ceased to operate at the conclusion of hostilities. The matter was confessedly in favour of their own trade, and not in the smallest degree to be considered as proceeding from a disinterested intention of serving the natives of Portugal.

BUT this very disinterested and liberal grant had been most graciously vouchsafed under every other restriction which is expressly implied in the act of navigation. The alien impositions were all along most rigorously exacted, and every other cause of complaint remaining unredressed. How diametrically opposite to this was the treatment experienced by the Americans immediately after

ter the cessation of hostilities? The Parliament of Great Britain by an act empowered his Majesty in council, to make such regulations, and grant them such temporary indulgences as might be thought most expedient till the conclusion of a commercial treaty. Conscious that the act of navigation would be highly obnoxious to them, it was in consequence immediately suspended, that America might be led to anticipate more than otherwise, she could naturally have expected.

SHALL those who have been lately pronounced rebels to the parent state, experience such a distinguished mark of regard; while Portugal, her tried and faithful friend, has under the semblance of a favour conferred, been most highly injured? Shall those, who were charged with involving that kingdom in the greatest difficulties, and reducing her almost to the verge of political dissolution, be vouchsafed an indulgence which had never been granted to the subjects of Portugal? and who also by a string of charges exhibited in their declaration of independence

independence of the 4th July 1776, insulted Majesty and Government in the highest degree, and afterwards by force of arms put their menaces into execution, and obtained a total separation: while on the other hand, the subjects of Portugal, under every restriction, rendered Great Britain the most effectual service during the course of that inauspicious war, by navigating the British commerce safe in vessels of their own nation: and whose Balance of trade hath and does prove such an inexhaustible source of wealth and power to England. *This*, then, is the boasted favour that had been mentioned, and for which the court of Lisbon could not do less in return, than admit the woollen manufactures of Ireland into their ports, without even a previous convention entered into, and contrary to an express law of their own realm!

THE empire of the Ocean should fall equally to the share of every maritime power; and if priority and boldness of discovery, and the most animated and persevering efforts to explore those regions

ons which the antients imagined were separated by the insuperable barrier of the Torrid-Zone (and which error had long confined commerce within a narrow sphere), can give any title to an equal participation of that watry element, no country might claim a greater privilege than Portugal. The high sounding epithet of *mistress of the deep*, seems in a great measure to be now an empty name, and commerce must in future flow as unbounded as the winds and waves.

THAT love of liberty which has ever been the characteristic of Britons, should lead them, to suppress the narrow and illiberal idea of endeavouring to withhold any privileges which another nation should enjoy in common with themselves, and especially when it is a right solemnly founded on the faith of treaties; and tho' time may have seemingly given sanction to an error, yet it still continues to be the same and ought in the very nature of things to be entirely rectified. Does not even Ireland exhibit a striking instance of this, in her long and patiently submitting to the arbitrary decrees of the

the British legislature, which usurped a power not vested in them by the nature of right ; till at length, convinced of her mistake, and shaking off the torpor of a century, she asserted that liberty to which her nation was so justly entitled.

BUT the exceeding great mark of regard that had been shewn to the Portuguese, in permitting them to bring the produce of Brazil, and the plantations in South America, to Great Britain and Ireland, had been exaggerated beyond the possibility of ever making a proper return. But in the very act of conferring such an obligation, was it not at the same time rendered totally ineffectual ? Have not the Portuguese been *tantalized* with an imaginary advantage, which must ever elude the grasp of enjoyment ; and beheld but a gilded meteor that glittered for a moment in their commercial Horizon, and then totally disappeared. This grant had been made without ever removing the alien duties, lessening the port charges, with several other impositions that were peculiar to that trade, which altogether accumulated to such a sum as rendered

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the pursuit absolutely impracticable; thus what was meant as a national benefit, and tending to conciliate the affections of Portugal, proved entirely to the reverse; as this was rather to be considered as an insult upon their understandings, than a favour that could be heartily and intentionally designed.

HAD the duties been even comparatively equalized upon the products of the Portuguese plantations, with those which are brought from the British islands in the West-Indies, still the apparent disadvantage must have been against the subjects of Portugal, on account of the superior stretch in navigating their cargoes to their own country, and from thence to the dominions of Great Britain and Ireland. But even under that unavoidable predicament, and paying even the additional port charges, &c. still that intercourse might have been kept up in the manner permitted by the laws of each kingdom, and the Portuguese would most cheerfully allow themselves to be under an obligation to Great Britain and Ireland, had but the alien duties alone been struck off on that occasion.

WHERE

WHERE is then this mighty load of debt which should in gratitude have compelled Portugal to have prevented every wish of the Irish nation, even before a request was made in the due forms prescribed by custom and the usage of courts? But must not, therefore, the gracious intentions of the court of Lisbon to the interest of that nation, be eminently conspicuous, in making the first advances to the British minister to enter into a negociation, in order that a treaty should be concluded for commercial purposes, notwithstanding that their attempts at that time proved most unexpectedly abortive?

THE British factory established at Oporto, had long acted in the most arbitrary and unjust manner; not contented with enjoying in the fullest extent, every privilege in common with the natives of the country, they have also grasped at many others, to the very great injury of her most Faithful Majesty's subjects. The navigation act, which has operated in direct opposition to the advantage of Portugal, is the ground-work of their insidious machinations. They had long

entered into a combination, that strikes at the commercial interests of the country they reside in, and began such malpractices before the commencement of last war, and in which schemes, they, with a *praise-worthy perseverance*, have continued in ever since. They have in a manner monopolized the wine trade, &c. to themselves, by not suffering British ships to take in any lading from the merchants of the country; the masters of which vessels alleging, when applied to for that purpose, that their cargoes are entirely compleated, when the contrary is known to be absolutely the case. The Portuguese merchant must in consequence employ other vessels, which being subject to the alien duties, and other extraordinary impositions, contract his profits very considerably, when compared to what must result in the contrary predicament.

THE strangeness and ingratitude of this procedure, has most justly excited the jealousies, not only of the persons immediately affected, but even the detestation of all such as have a real concern for the interest, honour, and dignity, of their native

tive country. This company experiences the protection of the laws, and the leni-ty of a court which was always disposed in favour of British subjects; but they are not content with the participation of trade, and the benefits that bountifully flow in from that channel, but must also endeavour to divert to themselves the full tide, which should equally distribute itself to the general good of the community at large.

WHAT a national disgrace it would be deemed in the dominions of his Britannic Majesty, if a colony planted there upon the same footing as that in Oporto, should endeavour by every collusive method, to circumvent the natives, and deprive them of their foreign trade; would not a complaint be soon lodged at the foot of the throne for a perfect redress of such a grievance? Can any thing point out more emphatically the arbitrary and shameful consequences of the act of navigation, and which by the spirit of the 15th article of the defensive treaty, as has been already mentioned, can by no means be supposed to operate against the subjects of her most Faithful Majesty.

A NATIVE

A NATIVE of Portugal residing in London, is equally compelled to pay extraordinary duties, whether he imports in foreign or English bottoms; should he endeavour to avoid these impositions, he must make use of the low subterfuge of entering his goods under a fictitious name, and be accessory to the guilt of perjury, by employing for that purpose, one of those wretches usually practised in such a horrid scene of iniquity—But to the honour of these merchants, they submit to every imposition, rather than be guilty of such a shameful evasion.

EVERY example that can possibly be adduced, demonstrates a flagrant violation of the subsisting treaty, and a manifest infringement on the undoubted rights of the subjects of her most Faithful Majesty—all the arts of the most ingenious sophistry could not in any manner point out that the privileges enjoyed are in the smallest degree equal. On one side oppression and illegal exactions; on the other, not only the same immunities the natives are entitled to, but also peculiar grants and indulgences. It cannot be asserted that this account is in the

the least exaggerated or strained to answer any particular design ; the colouring is from nature only, and laid on by the hand of truth.

CAN it be supposed that the court of Lisbon would ever acquiesce in a commercial treaty with Ireland, without having such stipulations entered into, as might put the trade of each country on an equal footing, and remove all jealousies and doubts upon that head ? when on her side she is willing to make such a favourable concession as even to admit their woollen manufactures, which since the year 1703, have been poured on them in such abundance from another quarter, as to have considerably affected the internal exertions and industry of their own kingdom. Can less be expected therefore from Ireland, but that every severe imposition, copied from the example of the sister country, should totally be done away ? A reciprocal commerce ought to be carried on with a just and equal regard to each other's rights, and, not impeded by any partial restricti-

ons, flow mutually to the common interest of both: it will therefore be naturally expected that the legislature of that kingdom, will remove those causes of complaint which so apparently operate against the subjects of Portugal; this alone will create a necessary confidence, and remove every bar to that harmony which must in consequence subsist.

As soon as Ireland recovered a liberty of commerce, the Parliament proceeded, indeed, immediately to regulate the duties on wines, in a manner conformable to the nature of the Methuen treaty, upon a supposition perhaps, that the court of Lisbon might admit the introduction of *their* woollen manufactures: this they then imagined to have been alone absolutely sufficient to conciliate the affections of Portugal, and even to challenge the greatest returns of gratitude.

BUT even in that act they fell short of what was done in the sister country, as the comparative equalization of duties evidently demonstrates, there
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being an augmentation of 14 l. 11 s. 11 d. per ton, independent of the one-third by treaty on the wines of France, more than what is imposed on those of Portugal, which regulation had not been copied agreeable to the relative proportion, by the legislature of Ireland.

IRELAND enjoys in the fullest extent the commerce of Portugal (woollen manufactures alone excepted); and how highly advantageous it is to them, may be evinced from the assertion of a former right honourable secretary; the authenticity of which cannot in the least be doubted: "That the balance of trade in favour of that country, for the year 1780, amounted to the extraordinary sum of 120,000 l. sterling." This must be continually increasing in favour of that kingdom, both from the extension of her trade, and the very great efforts so lately made use of, to bring their fabricks to a state of perfection, as also the animation that seems to have diffused itself through every part of that island.

land. Under such an happy combination of events, she may shortly expect to be raised to the greatest national consequence, and enjoy fully *those* advantages which a happy situation for commercial intercourse so naturally affords her.

THE articles that Ireland takes from the Portuguese are, in fact, but very inconsiderable; for, if we except wines, fruit, salt, and some few trifles, none of the rest of her productions are received in that kingdom; while, on the other hand, every species of her manufactures would meet a ready market in the dominions of her most faithful Majesty. In such a predicament, must not the balance of trade constantly preponderate in their favour? and can it therefore, be thought in any manner extravagant to demand an equal participation of rights, and the repeal of such laws as so greatly affect the interest and honour of an allied people?

IF this matter had been perfectly understood at the commencement of the point in dispute between the two nations, this affair would long since have been settled in the most amicable manner, and agreeable to the original intentions of both parties. Some of the members in the Irish house argued entirely from wrong principles, and such doctrines, in a very great measure, influenced the passions of the people. Had calm investigation, and judicious research, preceded the parliamentary debates on this important enquiry, the business might have been properly entered into, and just reasoning been substituted in the stead of that sort of declamation, which is merely calculated to excite the popular clamour; nor would Portugal have been improperly charged with having presumed to commit the most flagrant violation of rights that ever was heard of among civilized nations.

IN the former part of these remarks I had omitted mentioning, that in the wording of all commercial treaties between Great Britain and Portugal, previous to that of the *Methuen*, it ran thus on her

part: "for the kingdom of England and her dominions, &c." but in that convention Great Britain alone was set forth. It is almost unnecessary to recapitulate, that Ireland, having been prohibited from the advantages of foreign export (her provision and staple trade excepted), could not have been comprehended without a manifest absurdity and contradiction.

THUS all the charges exhibited against the court of Lisbon, heightened in all the extravagance of colouring, are grounded on a meer aerial basis: Instead of reproach, she merited the heart-felt thanks of every Irishman; and so far from withholding commercial privileges, she made the most generous and disinterested proffers of an alliance. The popular clamour was excited in that nation, partly by designing characters, and partly by those totally uninformed in every part of that business; and invective and low scurrility were illiberally thrown out even by a few members of their senate. But in examining into the characters of human nature, it is generally discovered, that weak heads ferment most with mistaken patriotism, and with such,
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meer sound and fury, sanctioned by a name, will often pass for the deepest penetration of human wisdom, joined to the most nervous elocution.

BUT should the navigation act, armed in all its prohibitory and restrictive terrors, be still held out to thwart the generous and equitable intentions of the court of Lisbon, will it not be highly incumbent on that court, nay on every maritime state of Europe, to use such justifiable arts as may enable them to meet, at its proper weapons, the formidable approach of this political monster, and try whether it be impervious, and able to bear up against the attack of united strength, aided by such internal regulations as proceed from the soundest policy, which may be immediately levelled at its future existence?

By this act all foreign vessels are excluded from entering into any port of the British dominions, but with the products of their respective countries, and, independent of that restriction, are subjected likewise to the alien duties, which, in times of peace,

peace, may be considered as amounting to almost a total prohibition.

THIS political regulation took place in England after she had established, by treaties, certain privileges for the navigation of her subjects, with most of the European maritime states, and previously obtained stipulations very much in their favour; but, by a *single act of generosity*, she endeavoured to deprive those states of all hopes of an equal participation of advantages: Surrounded by this *grand bulwark*, she vainly imagines herself invulnerable to every attempt that might counteract its effects. But, that it may be rendered not only ineffectual to the *all-grasping* point they have solely in view, but even prejudicial to the commercial prosperity of their empire, can be sufficiently demonstrated.

THE woollen manufacture, which is the staple of Great Britain, and from whence has flowed that amazing tide of national affluence, had long obtained the preference of those of France from different countries of Europe. How easy would it be
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for their sovereigns to allow a bounty of 8 or 10 per cent. on the value of English fabrics imported in vessels of their own nation; which expedient alone must involve, in its consequences, the total subversion of that boasted monopoly.

It may be demanded, from whence might proceed the means for defraying such extraordinary expences, without oppressing the subject? but it might be obviously replied to, *that ways and means could readily be devised* for the execution of so salutary a measure, without any concomitant disadvantage; the manner will naturally suggest itself to any person who takes the smallest pains to reflect. A considerable benefit will likewise result from the bounty diffusing itself through the dominions of each sovereign, as natives alone can obtain it. Such a regulation is so far from being impracticable, or the mere vision of conjectural fancy, that in all human probability it is *already* in contemplation, and may very soon be made use of, to obviate the pernicious effects of this partial and arbitrary act.

PORTUGAL,

PORTUGAL, though intrenched within the faith of treaties, had not hitherto sufficiently withstood its attacks; but to what straits will Great Britain be reduced, should the United States of America refuse to enter into a commercial negotiation, unless that claim be totally given up on the part of Great Britain; and be therefore considered as the basis of a future convention: All Europe courts their trade, without any unnatural restrictions, or exorbitant impositions. Should that act be repealed in this instance, will it not also be equally expected by every other state? It seems at present to be a stupendous fabric tottering to its very base, and awaiting the storm of general discontent to leave it but a splendid ruin.

It is necessary, at this time, to advert to a report which has circulated in Portugal, and for some particular reasons may be considered as carrying the strongest marks of authenticity: "That Great Britain hath actually demanded, if this court would regulate the trade of Ireland upon a new convention, exactly similar to that of December, 1703, and what equivalent

valent might Portugal expect on her side."

IF such an information be absolutely the case, must it not be very extraordinary that an attempt should be made to involve in any question, relating to that business, *a treaty*, which was perfectly known would not, by any means, be admitted as the basis of a new convention; and that they should also endeavour to make the court of Lisbon be the first to open a negotiation, which, according to the prescription of form (founded indeed in such instances on the very nature of things) ought to be commenced and fully opened on the side of the party that demanded such a matter as a point of favour? It was at the immediate requisition of Queen Anne that the Methuen treaty had been entered into, who justly conceived the essential benefits that must result therefrom, by enlarging the scale of internal manufactures to answer the increased demand for foreign export. There was something more than the meer *Etiquette* of form in this request originating on the

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part of England ; as a revocation of a law of the realm of Portugal, so far as it operated against their Nation, was previously to be obtained : and surely in the predicament Ireland now stands in, the same mode should be observed, as the case is exactly parallel ; notwithstanding that the court of Lisbon had, *on a former day*, made the first application for so important a purpose.

How ineffectual, indeed, such a proposal must prove, to bring to a proper issue a matter so long in agitation?—may it not be reasonably imagined, that it is no more than a piece of subtle evasion, calculated to spin out to an insidious length a negotiation, which, under such a predicament, must actually continue in the same unsatisfactory and unfinished state? Can it be supposed that Portugal will acquiesce in the form of a treaty, which, from a variety of circumstances already adduced, has proved so inefficient to the grand end of a mutual equalization of benefits and privileges, and militated so greatly against her real interests? The minister will, no doubt,

doubt, receive the most lavish encomiums for his *ardent intentions* of rendering such a piece of *service* to Ireland, by placing her on a similar footing, with respect to the admission of her woollen fabrics into Portugal, as Great Britain herself--to meer superficial observation, nothing seemingly can carry stronger marks of manifest regard and indulgence to that kingdom; but let the whole transaction be properly investigated, and examined into with some degree of penetration, and it will most evidently demonstrate, that nothing could be more remote from the wishes of those in power*, as the means employed were totally inadequate to the end in view.

THE human mind revolts at the idea of every species of oppression, and cannot brook an arbitrary superiority when illegally usurped. The court of Lisbon would, with the sincerest friendship, embrace every opportunity of entering into a commercial communication with Ireland,

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upon

* The Translator begs leave to mention the Dominica free-port bill, which further evinces the *friendly intentions* of the sister Country.

upon the broad base of mutual equaliza-
tion, and on such *principles* alone, a firm
and lasting bond of union can be esta-
blished.

LUSITANIA.

THE END.

E R R A T A.

Page 5, Lines 11 and 12, for, could be supposed in *no* manner to set any limits to either in their respective dominions, read, could *not* be supposed in *any* manner to set limits, &c.

Page 6, Line 15, for the woollen trade *of* the kingdom of Portugal, read the woollen trade *to* the kingdom of Portugal.

Page 7, Line 5, for *mentioned*, read *implied*.

